



Docket No.: GENE.003.PC/US
Express Mail No.:EV393145595S

PETITION TO REVIVE FOR
UNINTENTIONAL ABANDONMENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Andrei Bugrim *et al.*
Applicant No.: 10/518,103
Filed: 18 June 2003
Title: "METHODS FOR IDENTIFYING COMPOUNDS FOR
TREATING DISEASE STATES"

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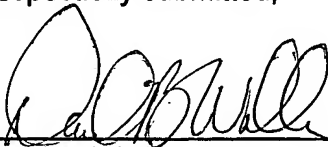
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Mail Stop: Petitions
Commissioner of Patents
U.S.P.T.O.
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that the enclosures listed below are being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing Label Certificate No.: EV393145595US, on 14 October 2005, addressed to: Mail Stop: Petitions, Commissioner for Patents, U.S.P.T.O. Box 1450 Alexandria, VA 22313-1450.

Respectfully submitted,

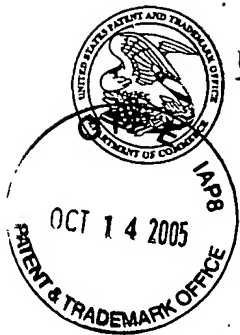


David B. Waller
Patent Agent No.: 43,978

Enclosures:

Petition under 37 C.F.R. 1.137(b), 2 pages
Copy of Notice of Abandonment, 2 pages
Check No.: 1815 for \$750.00
Transmittal 2 pages, +Duplicate
Return Postcard

00 SEP 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DAVID B. WALLER & ASSOCIATES
5677 OBERLIN DRIVE
SUITE 214
SAN DIEGO CA 92121

In re Application of BUGRIM et al.
Application No.: 10/518,103
PCT No.: PCT/US03/19325
Int. Filing: 18 June 2003
Priority Date: 18 June 2002
Attorney Docket No.: GENE.003.PCT
For: METHODS FOR IDENTIFYING
COMPOUNDS FOR TREATING
DISEASE STATES

DECISION ON
PETITION TO VACATE NOTICE
OF ABANDONMENT

This is a decision on applicant's "Petition For Withdrawal of Holding of Abandonment under 37 CFR 1.181" filed in the United States Patent and Trademark Office (USPTO) on 04 August 2005.

On 20 July 2005, a Notification of Abandonment (FORM PCT/DO/EO/909) was mailed to applicant indicating that applicant had failed to provide the full U.S. basic national fee by 30 months.

On 04 August 2005, applicant filed a "Petition for Withdrawal of Holding of Abandonment under 37 CFR 1.181" indicating that the basic national fee was filed on 10 December 2004 with the original national stage application and was unaware of the increased of the filing fees which occurred on 08 December 2004.

DISCUSSION

Effective 08 December 2004, the basic national filing fee is \$300 (\$150 for small entity)¹. On 10 December 2004, applicant filed a transmittal letter requesting entry into the national stage along with a check for \$100 for the basic national fee.

A review of the application file reveals that the basic national fee of \$300 was not paid with the filing of the request for national stage application on 10 December 2004. Applicant provided \$100, the amount of the basic national filing fee prior to 08 December 2004, where the USPTO prepared the international preliminary examination report (IPER) and where all claims satisfied the provisions of PCT Article 33(1)-(4).

In the instant case, international application PCT/US03/19325 did not have an IPER prepared in the USPTO, which satisfied the provisions of PCT Article 33(1)-(4). A review of

¹Advance Notice Regarding Changes to Patent Fees Under the Consolidated Appropriations Act, 2005 was posted on the USPTO website on December 2, 2004. The public was advised to monitor the USPTO's Internet Web site frequently for current patent fee information pending enactment of the Act. On 08 December 2004, the Act was enacted into law and the basic national fee under 37 CFR 1.492(a) was changed to \$300.

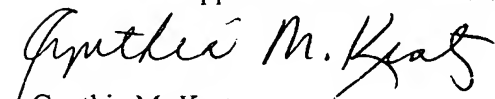
USPTO records does not indicate that a Demand was filed nor were the appropriate fees paid for an IPER. As of 08 December 2004, the basic national filing fee is \$300². On 10 December 2004, applicant filed a request for national stage entry and paid \$100 by check for the basic national fee. Applicant did not authorize the charging of any additional fees, which may be required, to his deposit account.

The basic national filing fee of \$300 was not paid by the expiration of the thirty month period from the priority date or by 18 December 2004. Since the full basic national fee of \$300 was not paid by the expiration of the thirty month period, the international application was abandoned. The Notification of Abandonment (FORM PCT/DO/EO/909) mailed on 20 July 2005 remains in effect. Applicant may wish to consider filing a petition to revive under 37 CFR 1.137 to revive the international application.

CONCLUSION

Applicant's "Petition For Withdrawal of Holding of Abandonment under 37 CFR 1.181" is **DISMISSED WITHOUT PREJUDICE**. The application remains abandoned.

This application will be held in the PCT Legal Office to await applicant's further response.



Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

² Applicant is advised that the national stage search and examination fees pursuant to 37 CFR 1.492(b) and (c) apply to the national stage application. Fees can be found at the USPTO website (www.uspto.gov).



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PETITION TO REVIVE FOR
UNINTENTIONAL ABANDONMENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Andrei Bugrim *et al.*
Applicant No.: 10/518,103
Filed: 18 June 2003
Title: "Methods for Identifying Compounds for Treatment of Disease States"

Mail Stop: Petitions
Commissioner for Patents
U.S.P.T.O.
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL FORM

Dear Sir:

Transmitted herewith for filing is the provisional patent application from Inventors, Andrei Bugrim *et al.* Enclosed are:

- X Petition to Revive for Unintentional Abandonment, 2 pages
- X Copy of Notice of Abandonment, 2 pages
- ☐ Declaration, 2 pages
- ☐ Verified Statement of Small Entity Status, 2 pages
- ☐ A disc comprising a file copy of the sequence listing + Duplicate
- ☐ A copy of references as requested by the Examiner, 99 documents
- ☐ A Sequence Listing, 2 pages
- X Certificate of Mailing by "Express Mail"
- X A return post card

For	No. Filed	No. Extra	Rate	Fee
New Claims		0	0x \$9.00 =	\$ 0.00
Independent Claims		0	0x \$39.00 =	\$ 0.00
Multiple Dependent Claims		0	0x \$130.00 =	\$ 0.00
Petition Fee			\$750.00	\$ 750.00
			TOTAL FEE:	\$ 750.00

- ☐ Please charge Deposit Account No. _____ in the amount of _____. A duplicate copy of this sheet is enclosed.

- ☐ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No.
- ☐ Any additional filing fees required under 37 C.F.R §1.16
- ☐ Any patent application processing fees under 37 C.F.R §1.17
- ☒ A check for the filing fee in the amount of seven-hundred fifty dollars (\$750.00) is enclosed, Check No.: 1815

Respectfully submitted,



David B. Waller

Please send all correspondence to:

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David B. Waller & Associates
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San Diego, CA 92121
Phone: (858) 457-2014
Facsimile: (858) 457-2308
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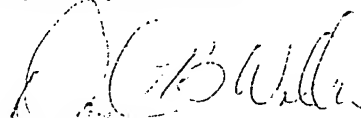
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Independent Claims		0	0x \$39.00 =	\$ 0.00
Multiple Dependent Claims		0	0x \$130.00 =	\$ 0.00
Petition Fee			\$750.00	\$ 750.00
TOTAL FEE:				\$ 750.00

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Respectfully submitted,



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